

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CHRISTINE MALAFI
COUNTY ATTORNEY

DEPARTMENT OF LAW
ADDRESS ALL COMMUNICATIONS
IN THIS MATTER TO:

Via ECF

Hon. Robert M. Levy
Eastern District Court of New York
225 Cadman Plaza East
Brooklyn, N.Y.

Re: NAACP New York State Conference, et al. v. New York State Board of Elections, et al., No. 10-cv-02950

Honorable Sir:

This office represents the Suffolk County Board of Elections (“Board”) which was served with a non-party subpoena by Plaintiff’s counsel, Jenner & Block, on September 15, 2010. We respectfully request an extension of time to serve objections to the non-party subpoena from September 29, 2010 to October 20, 2010, on consent of Plaintiff’s counsel.

Due to excessive demands placed upon the Board in preparing for and conducting elections for Primary Day which occurred on September 14, 2010 and for Election Day which is scheduled for November 2, 2010 while utilizing new voting machines and the additional testing and auditing requirements incident thereto, the Board needs additional time to review the document demands sought in the non-party subpoena. We respectfully submit that there will be no prejudice to the Plaintiff in this matter as the non-party subpoena is not returnable until December 2, 2010.

No previous application has been sought for this request.

Thank you for your consideration.

Respectfully submitted,
CHRISTINE MALAFI
County Attorney

Gail M. Lolis
GAIL M. LOLIS (GL 9995)
Deputy County Attorney

cc: Eric Brown, Esq. **via ECF**